

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

WARD FRANCES WEAVER, Jr.,

Petitioner,

v.

RON BROOMFIELD, Acting Warden, San  
Quentin State Prison,

Respondent.

App. Ct. Case No. 21-99010

D.C. Case No. 1:02-cv-05583-AWI-SAB  
DEATH PENALTY CASE - CLOSED

ORDER APPOINTING SUBSTITUTE  
COUNSEL

This matter, on appeal to the Ninth Circuit Court of Appeals from the judgment entered in this Court on September 20, 2021, is before the Court on the Circuit Court's November 22, 2021 order directing the Court to locate and appoint counsel to replace Karen Schryver and Timothy Foley, who have been relieved as counsel of record. (See ECF No. 225.)

On November 30, 2021, the Court issued an order referring the case to the Selection Board for the Eastern District of California (hereinafter "Selection Board") for recommendation of suitable counsel, with consideration to be given the Sacramento Office of the Federal Public Defender. (ECF No. 226.)

On December 8, 2021, the Selection Board recommended that attorneys Ann-Kathryn R. Tria, CJA Capital Panel Member, and Sam Sweeney, Assistant Federal Defender, be appointed to represent Petitioner.

The Court will adopt the recommendation of the Selection Board.

Accordingly,

1. Ann-Kathryn R. Tria and Sam Sweeney are appointed as co-counsel to represent Petitioner for all purposes in this proceeding. See id.; see also 18 U.S.C. § 3599; Rule 191(c), Local Rules of Practice for the United States District Court, Eastern District of California. Counsel are directed to comply with the e-filing registration requirements of Local Rule 135, as applicable.

2. The Clerk of the Court is directed to file under seal the Selection Board's December 8, 2021 letter to the Court.

3. The Clerk of the Court is directed to serve copies of this order on: **Ann-Kathryn R. Tria**, McBreen & Senior, 1901 Avenue of the Stars, Suite 450, Los Angeles, California 90067, (Ph.) (310) 552-5300, (Email) atria@mcbreenseniior.com; **Sam Sweeney**, Assistant Federal Defender, 801 I Street, 3rd Floor, Sacramento, CA 95814, (Ph) (916) 498-6666, (Email) Sam\_Sweeney@fd.org; **Ward Francis Weaver, Jr.**, C39361, C.S.P. San Quentin, San Quentin, CA 94974; **Ron Broomfield**, Warden of San Quentin State Prison, San Quentin, CA 94964; **Amanda Diane Cary**, Deputy Attorney General, 2550 Mariposa Mall Ste 5090, Fresno, CA 93721, (Ph) 559-705-2305, (Email) amanda.cary@doj.ca.gov; **Clerk's Office, Ninth Circuit Court of Appeals**, (Email) counselappointments@ca9.uscourts.gov; **Connie Garcia**, CJA Administrator, Office of the Federal Defender, 2300 Tulare Street, Suite 330, Fresno, CA 93721, (Ph.) 559-487-5561, (Email) connie\_garcia@fd.org; and **David Harshaw**, Assistant Federal Defender, 801 I Street, Third Floor, Sacramento, CA 95814, (Ph.) 916-498-6666, (Email) david\_harshaw@fd.org.

IT IS SO ORDERED.

Dated: **January 24, 2022**

  
UNITED STATES MAGISTRATE JUDGE